

REMARKS

Claims 3-13 are pending in this application, of which claims 4-12 have been withdrawn from consideration.

Claim 3 has been amended and claim 13 is newly added.

Claims 1-2 have been canceled.

The Examiner has maintained from the previous Office Action all of the prior art rejections based on various combinations of **Furukawa**, **Yoshida** and **Furukawa**.

The Examiner has stated:

It is further submitted that Yoshida '285 teaches a plant-cultivable planting **portion** of a general box shape on a water-reserving **portion** of a general box shape as broadly claimed. That is, the claim language does not serve to distinguish a single box from two separate boxes. Further, the post-shaped members (5) in combination with the receiving members (7) are readable on the claimed post positioning and functionality as broadly claimed. Thus, an anticipation rejection could have been made in lieu of the obviousness rejection submitted in the prior office action.

Applicant is urged to amend the independent claim to make clear that the instant invention comprises (or consists) two boxes, wherein the upper planting box consists of a base having four upstanding walls and coextending post-shaped members disposed upwards from the base and downward from the base, in language consistent with figure-1 of the instant invention; and having made that consideration, further distinguish over the prior art such as taught by Nakamura '892 for instance, which teaches in figures 5 and 6, a planting box (10') on a water-reserving box (10), whereby aligned post-shaped members (14) and (15) are evident.

Accordingly, claims 1 and 2 have been canceled; new independent claim 13 containing the limitations recommend by the Examiner to overcome the rejections has been added; and claim 3 has been amended to depend from newly added claim 13.

It should be noted that newly added claim 13 recites that the post-shaped members disposed downward from the upper box contact the floor of the lower water-reserving box. This feature distinguishes the claimed invention from FIGS. 5 and 6 of U.S. Patent 4,118,892 to Nakamura et al. in which projections 15 disposed downward from upper grid members 10' do not extend to the floor of lower housing 10, as shown in FIG. 6.

In addition, newly-added claim 13 recites that an upper plant-cultivable planting box includes a base having four upstanding walls and substantially consecutive coextending post-shaped members disposed upward and downward from the base, and the post-shaped members disposed downward from the upper plant-cultivable planting box contact the floor of the lower water-reserving box. These limitations are not disclosed in any of Furusawa, Yoshida et al. and Furukawa.

Claim 13 has the following advantages:


1. The greening structure is high in the supporting strength and excellent in the stability. For example, the base of the planting box can be prevented from being deformed.
2. The base of the planting box can be prevented from being deformed and is hardly warped even if the external force is applied, so that a remarkably excellent reading feel can be obtained. For example, a falling treading feel is prevented.
3. Both the planting box and the water-reserving box are box-shaped, so the manufacturing costs can be lowered.
4. The planting box can be easily removed from the water reserving box so that the greening structure can be easily rearranged for recreation.

In view of the aforementioned amendments and accompanying remarks, all of the prior art rejections should be withdrawn, and a Notice of Allowance is earnestly solicited.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105.

Dated: March 4, 2009

Respectfully submitted,

By 

William L. Brooks

Registration No.: 34,129

EDWARDS ANGELL PALMER & DODGE
LLP

P.O. Box 55874

Boston, Massachusetts 02205

(202) 478-7376

Attorneys/Agents For Applicant